

and shall be deemed to have been so issued. Disputes between or among Native Corporations arising from conveyances under this Act shall be resolved by a board of arbitrators of a type described in section 12(e) of the Alaska Native Claims Settlement Act [43 U.S.C. 1611(e)] pertaining to disputes over land selection rights and the boundaries of Village Corporations.

(e) Existing rights

All conveyances made by operation of this section shall be subject to the terms and conditions of the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] as if such conveyances or patents had been made or issued pursuant to that Act.

(f) Easements

For a period of one year from December 2, 1980, the Secretary may identify and issue a decision to reserve in the patent those easements, pursuant to section 17(b)(3) of the Alaska Native Claims Settlement Act [43 U.S.C. 1616(b)(3)], which are described in section 17(b)(1) of such Act [43 U.S.C. 1616(b)(1)] on lands conveyed by this section, but the Secretary shall not reserve a greater number of easements or more land for a particular easement or easements than is reasonably necessary and he shall be guided by the principles of section 1633 of this title. Upon the finality of the decision so issued, such easements shall be reserved in the conveyance document or documents issued by the Secretary as required by this section.

(g) “Native Corporation” defined

For purposes of this section, the term “Native Corporation” means Village Corporations and Regional Corporations.

(Pub. L. 96-487, title XIV, §1437, Dec. 2, 1980, 94 Stat. 2546.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in subsecs. (b)(1)(A), (3), (d), and (e), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

Act of March 4, 1915, as amended, referred to in subsec. (b)(2), is act Mar. 4, 1915, ch. 181, 38 Stat. 1214, as amended, which enacted section 353 of Title 48, Territories and Insular Possessions, and a provision set out as a note under section 852 of this title. Section 353 of Title 48 was repealed by Pub. L. 85-508, §6(k), July 7, 1958, 72 Stat. 343. For complete classification of this Act to the Code, see Tables.

Act of January 21, 1929, as amended, referred to in subsec. (b)(2), is act Jan. 21, 1929, ch. 92, 45 Stat. 1091, as amended, which is set out as a note under section 852 of this title. For complete classification of this Act to the Code, see Tables.

Act July 28, 1956, referred to in subsec. (b)(2), is act July 28, 1956, ch. 772, 70 Stat. 709, as amended. For complete classification of this Act to the Code, see Tables.

Section 6(g) of the Alaska Statehood Act, referred to in subsec. (b)(2), is section 6(g) of Pub. L. 85-508, July 7, 1948, 72 Stat. 339, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

Act of January 2, 1976 (Public Law 94-204) as amended by the Act of October 4, 1976 (Public Law 94-456), referred to in subsec. (b)(3), is Pub. L. 94-204, Jan. 2, 1976, 89 Stat. 1145, as amended, which enacted sections 1625

to 1627 of this title, amended sections 1615, 1616, 1620, and 1621 of this title, and enacted provisions set out as notes under sections 1604, 1605, 1611, 1613, 1618, and 1625 of this title, as amended by Pub. L. 94-456, Oct. 4, 1976, 90 Stat. 1934, which amended section 1615 of this title and provisions set out as notes under section 1611 of this title. For complete classification of these Acts to the Code, see Tables.

This title, referred to in subsec. (d), is title XIV of Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2491, which enacted sections 1639 to 1641 of this title, amended sections 1602, 1606, 1607, 1611, 1613, 1620, and 1621 of this title, enacted provisions set out as notes under sections 1605, 1613, and 1618 of this title, and amended provisions set out as notes under sections 1611 and 1613 of this title. For complete classification of title XIV to the Code, see Tables.

This Act, referred to in subsec. (d), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 16, Conservation, and Tables.

CODIFICATION

Section was not enacted as part of title IX of Pub. L. 96-487 which comprises this chapter.

§ 1642. Land conveyances

Solely for the purpose of bringing claims that arise from the discharge of oil, the Congress confirms that all right, title, and interest of the United States in and to the lands validly selected pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) by Alaska Native corporations are deemed to have vested in the respective corporations as of March 23, 1989. This section shall take effect with respect to each Alaska Native corporation only upon its irrevocable election to accept an interim conveyance of such land and notice of such election has been formally transmitted to the Secretary of the Interior.

(Pub. L. 96-487, title XIV, §1438, as added Pub. L. 101-380, title VIII, §8301, Aug. 18, 1990, 104 Stat. 572.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in text, is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

EFFECTIVE DATE

Section applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as a note under section 2701 of Title 33, Navigation and Navigable Waters.

CHAPTER 34—TRANS-ALASKA PIPELINE

Sec.

1651. Congressional findings and declaration.

1652. Authorizations for construction.

(a) Congressional declaration of purpose.

(b) Issuance, administration, and enforcement of rights-of-way, permits, leases, and other authorizations.

(c) Applicability of statutes governing rights-of-way for pipelines through Federal lands; other statutory terms and conditions; waiver of procedural requirements; superseding of administrative authorizations for construction.

Sec.

- (d) National Environmental Policy Act of 1969 bypassed; issuance of authorizations for construction and operation not to be subject to judicial review; time limits on charges of invalidity or unconstitutionality; jurisdiction; hearings; review.
- (e) Amendment or modification of rights-of-way, permits, leases, or other authorizations.
- 1653. Liability for damages.
 - (a) Activities along or in vicinity of pipeline right-of-way; strict liability; limitation on liability; subrogation; emergency subsistence and other aid; exemption for State of Alaska.
 - (b) Control and removal of pollutants at expense of right-of-way holder.
 - (c) Discharges of oil from vessels loaded at terminal facilities of pipeline; strict liability; limitation on liability; apportionment of liability; establishment and operation of Trans-Alaska Pipeline Liability Fund.
- 1654. Antitrust laws.
- 1655. Roads and airports.
- 1656. Civil penalties.
 - (a) Penalty.
 - (b) Persons liable.
 - (c) Amount.
 - (d) Procedures.
 - (e) State law.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 33 sections 2702, 2707, 2735.

§ 1651. Congressional findings and declaration

The Congress finds and declares that:

(a) The early development and delivery of oil and gas from Alaska's North Slope to domestic markets is in the national interest because of growing domestic shortages and increasing dependence upon insecure foreign sources.

(b) The Department of the Interior and other Federal agencies, have, over a long period of time, conducted extensive studies of the technical aspects and of the environmental, social, and economic impacts of the proposed trans-Alaska oil pipeline, including consideration of a trans-Canada pipeline.

(c) The earliest possible construction of a trans-Alaska oil pipeline from the North Slope of Alaska to Port Valdez in that State will make the extensive proven and potential reserves of low-sulfur oil available for domestic use and will best serve the national interest.

(d) A supplemental pipeline to connect the North Slope with a trans-Canada pipeline may be needed later and it should be studied now, but it should not be regarded as an alternative for a trans-Alaska pipeline that does not traverse a foreign country.

(Pub. L. 93-153, title II, §202, Nov. 16, 1973, 87 Stat. 584.)

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-380, title VIII, §8001, Aug. 18, 1990, 104 Stat. 564, provided that: "This title [enacting sections 1642 and 1656 of this title, amending sections 1350 and 1653 of this title and section 3145 of Title 16, Conservation, and enacting provisions set out as notes under this section and section 1653 of this title] may be cited as the 'Trans-Alaska Pipeline System Reform Act of 1990'."

SHORT TITLE

Section 201 of title II of Pub. L. 93-153 provided that: "This title [enacting this chapter] may be cited as the 'Trans-Alaska Pipeline Authorization Act'."

SEPARABILITY

Section 411 of Pub. L. 93-153 provided that: "If any provision of this Act [enacting this chapter, section 1456a of this title, and section 3512 of Title 44, Public Printing and Documents, amending section 1608 of this title, sections 45, 46, 53, and 56 of Title 15, Commerce and Trade, section 185 of Title 30, Mineral Lands and Mining, section 3502 of Title 44, and section 391a of former Title 46, Shipping, and enacting provisions set out as notes under sections 1608 and 1651 of this title, section 1904 of Title 12, Banks and Banking, section 45 of Title 15, section 791a of Title 16, Conservation, and section 1221 of Title 33, Navigation and Navigable Waters] or the applicability thereof is held invalid the remainder of this Act shall not be affected thereby."

PRESIDENTIAL TASK FORCE

Pub. L. 101-380, title VIII, §8103, Aug. 18, 1990, 104 Stat. 567, established a Presidential Task Force on the Trans-Alaska Pipeline System, to conduct an audit of the Trans-Alaska Pipeline System and make recommendations to the President, Congress, and the Governor of Alaska, authorized appropriations for the Task Force, and required it to transmit its final report to the President, Congress, and the Governor no later than 2 years after the date on which funding was made available.

NORTH SLOPE CRUDE OIL; REPORT ON EQUITABLE ALLOCATION

Pub. L. 94-586, §18, Oct. 22, 1976, 90 Stat. 2916, directed that the President, within 6 months of Oct. 22, 1976, determine special expediting procedures necessary to insure the equitable allocation of North Slope crude oil to the Northern Tier States of Washington, Oregon, Idaho, Montana, Illinois, Indiana, and Idaho to carry out the provisions of section 410 of Pub. L. 93-153 [set out below], and to report his findings to Congress, such report to include a statement demonstrating the impact that the delivery system would have on reducing the dependency of New England and the Middle Atlantic States on foreign oil imports.

TRANS-CANADA PIPELINE; NEGOTIATIONS WITH CANADA; FEASIBILITY STUDY

Title III (§§301-303) of Pub. L. 93-153 authorized the President to enter into negotiations with the Government of Canada to determine Canadian willingness to permit construction of pipelines or other transportation systems across its territory to bring gas and oil from Alaska's North Slope to the United States; the need for intergovernmental agreements to protect interests of any parties involved with construction, operation, and maintenance of such natural gas or oil transportation systems; terms and conditions for construction across Canadian territory; desirability of joint studies to insure environmental protection, reduce regulatory uncertainty, and insure meeting energy requirements; quantity of oil and gas for which Canada would guarantee transit; and acquisition of other energy sources so as to make unnecessary the shipment of oil from the Alaska pipeline by tanker into the Puget Sound area. The President was to report to Congress on actions taken and recommendations for further action. In addition, the Secretary of the Interior was to investigate, and to report to Congress within 2 years of Nov. 16, 1973, as to the feasibility of oil or gas pipelines from the North Slope of Alaska to connect with a pipeline through Canada that would deliver oil or gas to United States markets. Nothing in title III was to limit the authority of the Secretary or any other Federal official to grant a gas or oil pipeline